

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER JOHN DIAZ-CASTRO,
Petitioner,
v.
BRIAN WILLIAMS, *et al.*,
Respondents.

Case No. 2:23-cv-01508-ART-BNW
ORDER

Petitioner Christopher John Diaz-Castro, a *pro se* Nevada prisoner, initiated this case by submitting a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (ECF No. 1-1). In its order granting Diaz-Castro's motion to reopen, because the Court was inclined to appoint counsel, *sua sponte*, the Court provided Diaz-Castro 30 days to file an objection to the appointment of counsel to represent him in this habeas matter. ECF No. 12. Diaz-Castro filed a non-objection to the appointment of counsel. ECF No. 14. Accordingly, the Court finds that the appointment of counsel in this case is in the interests of justice.

IT THEREFORE IS ORDERED:

1. The Federal Public Defender is provisionally appointed as counsel and will have 30 days to undertake direct representation of Petitioner or to indicate the office's inability to represent Petitioner in these proceedings. If the Federal Public Defender is unable to represent Petitioner, the Court will appoint alternate counsel. The counsel appointed will represent Petitioner in all federal proceedings related to this matter, including any appeals or certiorari proceedings, unless allowed to withdraw. A deadline for the filing of an amended petition and/or seeking other relief will be set after counsel has entered an appearance.

1 The Court anticipates a deadline of approximately 90 days from entry of
2 the formal order of appointment.

- 3 2. Any deadline established and/or any extension thereof will not signify
4 any implied finding of a basis for tolling during the time period
5 established. Petitioner at all times remains responsible for calculating
6 the running of the federal limitation period and timely presenting
7 claims. That is, by setting a deadline to amend the petition and/or by
8 granting any extension thereof, the Court makes no finding or
9 representation that the petition, any amendments thereto, and/or any
10 claims contained therein are not subject to dismissal as untimely. *See*
11 *Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).
- 12 3. The Clerk of Court is further directed to send a copy of this order to the
13 *pro se* Petitioner, the Nevada Attorney General, the Federal Public
14 Defender, and the CJA Coordinator for this division.

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16 Dated this 31st day of May 2024.

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20 ANNE R. TRAUM
21 UNITED STATES DISTRICT JUDGE
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